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In re the Application of

Dennis N. STAMIREs et al

Application No.: 09/246,691

Filed: February 9, 1999

For: PROCESS FOR PRODUCING ANIONIC CLAY USING TWO TYPES OF ALUMINA COMPOUNDS

Group Art Unit: 1754

Examiner: C. Nguyen

Docket No.: WPB 40864B

**PETITION UNDER 37 C.F.R. 1.53(e) FOR CONVERSION  
OF CONTINUED PROSECUTION APPLICATION  
TO A 37 C.F.R. 1.53(B) CONTINUATION APPLICATION**

Director of the U.S. Patent and Trademark Office  
Washington, D.C. 20231

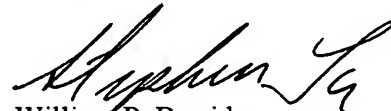
Sir:

In accordance with the provisions of 37 C.F.R. §1.53(e), Applicants' undersigned representative hereby requests the conversion of the Continued Prosecution Application filed March 15, 2002, to a Continuation Application, by way of this petition. A complete copy of the prior application, including the specification, claims, and drawings, a copy of the signed Declaration and the Decision on Petition filed on March 15 are attached as required.

Our Check No. 132089 in the amount of \$130.00 as the petition fee set forth in 37 C.F.R. §1.17(h) is enclosed. No other fees are believed to be due, as the filing fee for the CPA has already been paid. If any additional fees are necessary, the U.S. Patent and Trademark Office is authorized to debit Deposit Account No. 15-0461.

Should there be any questions regarding this matter, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,



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WPB/SXT:amw

Date: July 1, 2002

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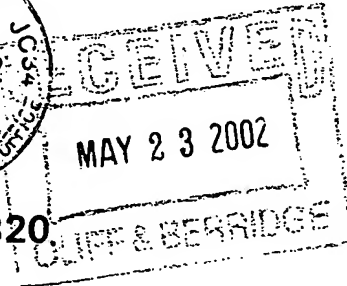
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Dennis Stamires et al  
Application No. 09/246,691  
Filed: February 9, 1999  
Attorney Docket No. WPB 40864B

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This is a decision on the petition, filed March 15, 2002 (and submitted again on May 16, 2002), to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED** as moot.

Unfortunately, the petition reached the appropriate official for decision after the patent issued on the above-identified application. It is noted that the instant petition was received in the Office of Initial Patent Examination on March 15, 2002, and not received in the Office of Petitions until recently, after issuance of the above-identified application. Petitioner's attention is directed to 37 CFR 1.313(d), which states:

A petition under this section will not be effective to withdraw the application from issue unless it is actually received and granted by the appropriate officials **before the date of issue.**

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OFFICE OF PETITIONS

Petitioner may request by way of a petition under 37 CFR 1.53(e) that the 37 CFR 1.53(d) request for a continued prosecution application be converted to a 37 CFR 1.53(b) continuing application in order to have the amendment considered by the examiner. The petition to convert should be directed to the Office of Petitions and must include the filing of a complete copy of the prior application, i.e., specification, claims, and drawings, if required, and a copy of the signed oath/declaration. Information regarding the filing of a petition to convert may be obtained by calling the undersigned at (703) 305-8680.

Should petitioner choose this course of action, petitioner should include a copy of this decision with the petition under 37 CFR 1.53(e). The examiner is to make all applicable prior art rejections (not just include a statutory double patenting rejection under 35 U.S.C. § 101).

Telephone inquiries should be directed to the undersigned at (703) 305-8680.

The patented file is being forwarded to Files Repository.

  
Frances Hicks

Lead Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy